

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES ANTHONY WILLIAMS,

Plaintiff,

v.

STEPHEN SINCLAIR, et al.,

Defendants.

Case No. 3:19-cv-05045-DGE-TLF

ORDER SETTING TRIAL DATE  
AND PRETRIAL SCHEDULE

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. The Court previously suspended the existing case schedule in this case in connection with the withdrawal of plaintiff's previously appointed *pro bono* counsel. Dkt. 56. Since that time, plaintiff has been proceeding *pro se* and the Court has accepted his Third Amended Complaint (Dkt. 123) as the operative complaint in this matter. Dkt. 122. Defendants have filed an Answer to the Third Amended Complaint. Dkt. 125. Accordingly, the Court orders a new case schedule.

In light of the lengthy pendency of this matter, the Court is setting a trial date and the additional deadlines are scheduled in reference to that date.

Event	Date
Expert Witness Disclosure/Report Deadline	March 20, 2023
Rebuttal Expert Disclosure/Reports Deadline	April 18, 2023
Completion of Discovery	May 30, 2023

1	Motions to Compel Discovery	June 13, 2023
2	Dispositive Motion Deadline	June 27, 2023
3	Motions in Limine Deadline	August 21, 2023
4	Deadline for the Parties to Schedule a Settlement Conference	
5	Pretrial Order Deadline	September 5, 2023
6	Voir Dire/Jury Instructions/Trial Brief Deadline	September 5, 2023
7	Deposition Designations Deadline	September 5, 2023
8	Pretrial Conference	September 15, 2023 1:30 pm
9	Jury Trial	September 25, 2023 9:00 am

### Discovery

Service of responses to interrogatories and to requests to produce, and the taking of depositions, shall be completed by the discovery deadline set forth above. Federal Rule of Civil Procedure 33(a) requires answers or objections to be served within thirty (30) days after service of the interrogatories. The serving party, therefore, must serve his/her discovery requests at least thirty (30) days before the deadline in order to allow the other party time to answer. Discovery requests must be served directly on the opposing party's counsel by mail.

### Motion to Compel to Discovery

Before filing a discovery motion, the parties must confer and attempt to resolve their differences. A good faith effort to confer with a party or person not making a disclosure or discovery requires a face-to-face meeting or a telephone conference. If unable to resolve their differences, the party filing the discovery motion must, either within

1 the motion to compel or in a separate affidavit attached to the motion to compel, list the  
2 date, manner, and participants to the conference. If the moving party fails to include such  
3 a certification, the court may deny the motion without addressing the merits of the dispute.  
4 See Fed. R. Civ. P. 37 and LCR 37(a)(1).

5 The motion to compel must: (1) list the matters on which the parties were unable to  
6 agree; (2) identify the nature and relevance of the documents and materials sought; and,  
7 (3) explain why the discovery sought is proportional to the needs of the case, considering  
8 the importance of the issues at stake in the action, the amount in controversy, the parties'  
9 relative access to relevant information, the parties' resources, the importance of the  
10 discovery in resolving the issues, and whether the burden or expense of the proposed  
11 discovery outweighs its likely benefit.

#### 12 Dispositive Motions

13 Pursuant to LCR 7(b), any argument being offered in support of a motion shall be  
14 submitted as a part of the motion itself and not in a separate document. The motion shall  
15 include in its caption (immediately below the title of the motion) a designation of the date  
16 the motion is to be noted for consideration upon the Court's motion calendar. Dispositive  
17 motions shall be noted for consideration on a date no earlier than the fourth Friday  
18 following filing and service of the motion.

19 All briefs and affidavits in opposition to any motion shall be filed and served  
20 pursuant to the requirements of Rule 7 of the Federal Rules of Civil Procedure and LCR  
21 7. The party making a motion may file and serve a reply to the opposing party's briefs and  
22 affidavits. Any reply brief shall also be filed and served pursuant to the requirements of  
23 Rule 7 of the Federal Rules of Civil Procedure and LCR 7.

1 Defendants are reminded that they **MUST** serve a *Rand* notice, in a separate  
2 document, concurrently with motions to dismiss and motions for summary judgment so  
3 that *pro se* plaintiffs will have fair, timely and adequate notice of what is required of them  
4 in order to oppose those motions. *Woods v. Carey*, 684 F.3d 934, 941 (9th Cir. 2012).

5 The Ninth Circuit has set forth model language for such notices:

6 A motion for summary judgment under Rule 56 of the Federal Rules of Civil  
7 Procedure will, if granted, end your case.

8 Rule 56 tells you what you must do in order to oppose a motion for summary  
9 judgment. Generally, summary judgment must be granted when there is no  
10 genuine issue of material fact – that is, if there is no real dispute about any  
11 fact that would affect the result of your case, the party who asked for  
12 summary judgment is entitled to judgment as a matter of law, which will end  
13 your case. When a party you are suing makes a motion for summary  
14 judgment that is properly supported by declarations (or other sworn  
15 testimony), you cannot simply rely on what your complaint says. Instead, **you  
must set out specific facts in declarations, depositions, answers to  
interrogatories, or authenticated documents, as provided in Rule 56(e),  
that contradict the facts shown in the defendant's declarations and  
documents and show that there is a genuine issue of material fact for  
trial. If you do not submit your own evidence in opposition, summary  
judgment, if appropriate, may be entered against you. If summary  
judgment is granted, your case will be dismissed and there will be no  
trial.**

16 *Rand v. Rowland*, 154 F.3d 952, 963 (9th Cir. 1998) (emphasis added). Defendants who  
17 fail to file and serve the required *Rand* notice on the plaintiff(s) may have their motion  
18 stricken from the Court's calendar with leave to re-file.

#### 19 Proof of Service and Sanctions

20 All motions, pretrial statements, and other filings shall be accompanied by proof  
21 that such documents have been served upon counsel for the opposing party or upon any  
22 party acting *pro se*. The proof of service shall show the day and manner of service and  
23 may be by written acknowledgment of service, by certificate of a member of the bar of this  
24 Court, by affidavit of the person who served the papers, or by any other proof satisfactory  
25

1 to the Court. Prisoners subject to the Court's Mandatory E-Filing Project may comply with  
2 this requirement by certifying as to the date the document(s) is handed to the law librarian  
3 for scanning. Failure to comply with the provisions of the Order can result in  
4 dismissal/default judgment or other appropriate sanctions.

5 Extensions

6 The deadlines contained in this Order are firm and will not be extended by the  
7 Court except upon application to the Court with a showing of good cause.

8 Address

9 The parties are to promptly update the Court with any change of address or other  
10 contact information.

11 Instructions to Clerk

12 The Clerk of Court is directed to send a copy of this Order to plaintiff and to  
13 counsel for defendants.

14 Dated this 7th day of October, 2022.

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Theresa L. Fricke  
18 United States Magistrate Judge  
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